

CERTIFICATE OF MAILING UNDER 1.8(a)

I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage with service under 37 C.F.R. 1.8(a) on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.


Mark Moore

October 11, 2005

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re Application of:</i>	§	Confirmation No. 1791
Stephen Maxwell Taylor	§	
Ian Alexander Shieles	§	
Lindsay Charles Brown	§	
Michael Whitehouse	§	
(As Amended)	§	
 Serial No.: 10/510,614	§	Examiner: Unknown
 Filed: January 10, 2005	§	Group Art Unit: Unknown
 For: USE OF C5A RECEPTOR ANTAGONIST IN THE TREATMENT OF FIBROSIS	§	Docket Number: 36677.30
	§	

**STATEMENT OF FACTS
TO SUPPORT PETITION UNDER 37 C.F.R. § 1.47(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

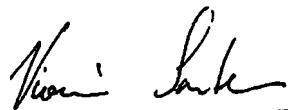
Sir:

1. I, Vivien Bedford Santer, hereby declare as follows:
2. I am a Principal of Griffith Hack Patent and Trade Mark Attorneys (hereinafter "GH"), and I am the attorney responsible for providing instructions in respect of this case on behalf of the assignee, Promics Pty Ltd (hereinafter "Promics").
3. My involvement with the above-referenced US application is that I prepared and filed both the priority application and the PCT application of which the present application is the National Phase in the United States.
4. Australian application number PS 1606, from which the above-referenced U.S. application claims priority, was filed in the Australian Patent Office on April 8, 2002 .
5. A near-to-final draft of the above-referenced U.S. application was forwarded to Williams, Morgan & Amerson P.C. (hereinafter "WMA"), the previous U.S. representatives for the above-referenced U.S. application, by my personal assistant on October 5, 2004 for entry into the National Phase in the United States .

6. The above-referenced U.S. application was filed by WMA on October 7, 2004, and listed Stephen Maxwell Taylor, Ian Alexander Shiels, and Lindsay Charles Brown as joint inventors. The final version of the above-referenced U.S. application as filed was then forwarded by WMA to me on or about October 7, 2004.
7. These documents were received in my office on October 28, 2004, and I forwarded them to Mr Alan Scott, Chief Executive Officer and Managing Director of Promics, and requested him to arrange for the documents to be executed.
8. I am informed that subsequent to the filing of the U.S. application, UniQuest the technology transfer company of the University of Queensland, commissioned an inventorship determination, which was carried out by Dr Victor Argaet of Davies Collison Cave, another Australian patent attorney firm.
9. As a sequel to this determination, I, Dr Argaet and Ms Susan Tanks of Davies Collison Cave and Mr Crispin Marsh of SCP Technology and Growth Pty Ltd carried out further reviews of the inventorship.
10. As a result of this review, it was determined that Michael Whitehouse is also a proper joint inventor of the subject matter claimed in the above-referenced U.S. application.
11. On May 24, 2005, I instructed Dr. Mark D. Moore of Haynes and Boone, LLP, (hereinafter "H&B"), Applicants' new U.S. counsel, that Professor Whitehouse should be added as a co-inventor, with an obligation of assignment to Promics.
12. The proper joint inventors for the claimed subject matter in the above-referenced U.S. application are: Stephen Maxwell Taylor, Ian Alexander Shiels, Lindsay Charles Brown, and Michael Whitehouse.
13. The new inventors' declaration prepared by H&B was then sent to me on July 25, 2005, and received in my office on July 29, 2005.
14. On August 2, 2005 I forwarded a copy of the above-referenced US application (including the complete Specification, claims, abstract, and figures), together with the inventors' declaration, inventor assignment documents, and power of attorney to Mr Alan Scott, the Chief Executive Officer and Managing Director of Promics, and requested him to arrange for execution of the documents. I am informed that Mr Scott provided all these documents, including the new declaration, to all four of the inventors.
15. On August 2, 2005 I received the inventors' declaration, which had been executed by Stephen Maxwell Taylor, Ian Alexander Shiels, and Lindsay Charles Brown on August 5, 2005, from Mr Scott.
16. I also received a copy of a letter dated August 17, 2005 from Professor Whitehouse, informing Mr Scott that he would not sign the inventors' declaration.

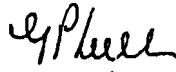
17. I am informed that a copy of Professor Whitehouse's letter of August 17, 2005 is attached as Exhibit 1 to a Statement of Facts by Mr Scott in respect of this matter. A further copy is now shown to me and annexed hereto as Exhibit VBS-1.
18. On October 12 2005 I had a telephone discussion with Professor Whitehouse in which he again refused to execute the inventors' declaration.
19. I am informed that despite other approaches by Mr Scott that as of today's date, October 12 2005, Michael Whitehouse is still not willing to sign the inventors' declaration in the above-referenced U.S. application.

DECLARED at Griffith Hack, 509 St Kilda Rd, Melbourne, Victoria 3004, AUSTRALIA,
this 12th day of October, 2005.



Vivien Bedford Santer

WITNESS:



(signature)
GEOFFREY PHILIP LEVY
3rd Floor, 509 St Kilda Rd, Melbourne 3004
A current practitioner within the meaning
of the Legal Practice Act 1998

(printed name)

Exhibit VBS-1

This is Exhibit VBS-1 referred to in the Statement of Facts by Vivien Bedford SANTER
dated 12 October 2005

PO Box 68
Stones Corner, Qld. 4120
17 August, 2005

Alan Scott
Manager
Promics

Dear Mr Scott

I have just returned from overseas (Korea); hence the delay in replying to Jaclyn's request (04/08/05) that I assign to Promics ASAP my apportionment of US patent 10/510,614 relating to CSA antagonists and fibrosis.

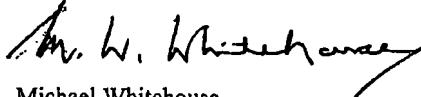
I am not able to do this at the present time.

I do not believe this is a valid patent claim while the name of Professor David Fairlie as co-inventor is excluded (intentionally or otherwise). Not only did David provide me with antagonists, specifically synthesised for me in his laboratory (the old 3D Centre, Gehrmann Building, UQ) but he actively collaborated in monitoring the key pharmacological studies we undertook in the UQ Dept. of Medicine (PA Hospital). These involved both a) bioassays using the adjuvant-induced polyarthritis in rats and b) our first experiments designed to monitor the fibrotic response to C5 activation in vivo, using the complement-activating inflammanogen, zymosan-A. Dr Taylor was aware of this work as he provided another sample of zymosan to help confirm our first findings. David's involvement with me in conceiving these experiments to test the anti-fibrotic activities has been spelled out to Uniqest and Victor Vargaet in 2003 and more recently in 2004 at the special hearing convened by Uniqest in the JD Story Building at which I was present.

From the evidence I now have = the names given on the document you sent for assigning the patent, I can only conclude that someone has either (i) been very careless or (ii) deliberately disregarded David's indispensable contribution (conceptually as well as physically) in writing the patent in its present format i.e. with only four inventors, not five.

Please clarify Promics' position at this time. I shall be absent from Brisbane, August 20-28 and August 31-September 22.

Yours sincerely

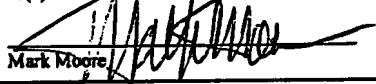


Michael Whitehouse
Professor
Griffith University, School of Medicine

Cc: Victor P. Argaet, Ph.D. Partner
DAVIES COLLISON CAVE
Level 3, 303 Coronation Drive
Milton Queensland 4064

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October 11, 2005
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STATEMENT OF FACTS
TO SUPPORT PETITION UNDER 37 C.F.R. § 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, ALAN ROBERT SCOTT, hereby declare as follows:

1. I hold the position of Chief Executive Officer and Managing Director at Promics Ltd.(previously Promics Pty Ltd), (hereinafter "Promics").
2. My involvement with the above-referenced US application is that, as Managing Director of Promics, I am responsible to the Promics Board for the lodgement of all patent applications using the services of local and international patent attorneys. In the instances where Promics pays for specific research via exclusive license agreements with the University of Queensland, then rights to any intellectual property which arises from that research belong to Promics. Hence in this particular case, the

inventors have an obligation of assignment of their rights in the invention directly to Promics.

3. Australian application number PS 1606, to which the above-referenced U.S. application claims priority, was filed in the Australian Patent Office on April 8, 2002 by Dr. Vivien Santer of Griffith Hack (hereinafter "GH", the Australian patent attorney firm representing Promics.
4. The above-captioned U.S. application was filed by Williams, Morgan & Amerson P.C. (hereinafter "WMA"), the previous U.S. representatives for this matter, on October 7, 2004. The application listed Stephen Maxwell Taylor, Ian Alexander Shiels, and Lindsay Charles Brown as joint inventors. The final version of the above-referenced U.S. application as filed was then forwarded by WMA to Dr. Santer on or about October 7, 2004, who then in turn, forwarded it to me.
5. On November 1 2004 Dr Santer forwarded them to me, and requested me to arrange for the documents to be executed.
6. I provided the three originally named inventors with copies of the documents, including the specification and claims.
7. I am informed that subsequent to the filing of the U.S. application, UniQuest the technology transfer company of the University of Queensland, commissioned an inventorship determination, which was carried out by Dr Victor Argaet of Davies Collison Cave, another Australian patent attorney firm.
8. As a sequel to this determination, Dr Santer, Dr Argaet and Ms Susan Tanks of Davies Collison Cave and Mr Crispin Marsh of SCP Technology and Growth Pty Ltd carried out further reviews of the inventorship.
9. As a result of this review, it was determined that Michael Whitehouse is also a proper joint inventor of the subject matter claimed in the above-referenced U.S. application.

10. On May 24, 2005, Dr. Santer of GH instructed Dr. Mark D. Moore of Haynes and Boone, LLP, (hereinafter "H&B"), Applicants' new United States' patent counsel, that Prof. Whitehouse should be added as a co-inventor, with an obligation of assignment to Promics.
11. It was determined that the proper joint inventors for the claimed subject matter in the above-referenced U.S. application are: Stephen Maxwell Taylor, Ian Alexander Shiels, Lindsay Charles Brown, and Michael Whitehouse.
12. On August 2, 2005 Dr. Santer of GH forwarded to me a copy of the above-referenced U.S. application (including the complete Specification, claims, abstract, and figures), together with a new inventors' declaration listing all four joint inventors (prepared by H&B at her instruction), a new inventor assignment document listing all four joint inventors, and a power of attorney to be signed by me as a designated officer of Promics. All four inventors on the new declaration were then given copies of the declaration. The document was sent to Prof. Whitehouse on August 4, 2005.
13. Stephen Maxwell Taylor, Ian Alexander Shiels, and Lindsay Charles Brown all executed the new inventors' declaration on August 5, 2005.
14. When presented with the declaration, Dr. Whitehouse refused to sign the documents because he disagreed with the results of the inventorship determination.
15. Since the US application, inventors' declaration and assignment were first forwarded to the inventors and the present date, efforts have been made to secure Prof. Whitehouse's signature on the joint inventor's declaration and assignment. However, in a letter dated August 17, 2005 from Professor Whitehouse to Promics, he indicated that he again refused to sign the declaration.

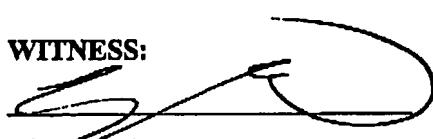
16. Despite other approaches by Ms Jaclyn Costello of Promics and by Dr Santer of GH at various times over the last few weeks, as of today's date, Prof. Whitehouse is still not willing to sign the inventors' declaration in the above-referenced U.S. application.

DECLARED at Promics Limited, Building 64, Physiology and Pharmacology Department, University of Queensland, St. Lucia, Queensland 4072, AUSTRALIA,
this 12th day of October, 2005.



Alan R. Scott

WITNESS:


(signature)

LAVINIA PROCTOR
(printed name)

*ATTACHMENT To Statement of Facts
by Alan R. Scott
dated August 12th 2005.*

PO Box 68
Stones Corner, Qld. 4120
17 August, 2005

Alan Scott
Manager
Promics

Dear Mr Scott

I have just returned from overseas (Korea); hence the delay in replying to Jaclyn's request (04/08/05) that I assign to Promics ASAP my apportionment of US patent 10/510,614 relating to C5A antagonists and fibrosis.

I am not able to do this at the present time.

I do not believe this is a valid patent claim while the name of Professor David Fairlie as co-inventor is excluded (intentionally or otherwise). Not only did David provide me with antagonists, specifically synthesised for me in his laboratory (the old 3D Centre, Gehrmann Building, UQ) but he actively collaborated in monitoring the key pharmacological studies we undertook in the UQ Dept. of Medicine (PA Hospital). These involved both a) bioassays using the adjuvant-induced polyarthritis in rats and b) our first experiments designed to monitor the fibrotic response to C5 activation in vivo, using the complement-activating inflammagen, zymosan-A. Dr Taylor was aware of this work as he provided another sample of zymosan to help confirm our first findings. David's involvement with me in conceiving these experiments to test the anti-fibrotic activities has been spelled out to Uniqest and Victor Vargaet in 2003 and more recently in 2004 at the special hearing convened by Uniqest in the JD Story Building at which I was present.

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Please clarify Promics' position at this time. I shall be absent from Brisbane, August 20-28 and August 31-September 22.

Yours sincerely

M. W. Whitehouse

Michael Whitehouse
Professor
Griffith University, School of Medicine

Cc: Victor P. Argaez, Ph.D. Partner
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Level 3, 303 Coronation Drive
Milton Queensland 4064